

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Randy Antonio Wiley, *also known as* Randy
Antonio Wiley #1360,

Plaintiff,

v.

Angela Garces, Dental Assistant,

Defendant.

C/A: 4:22-cv-2343-SAL

ORDER

Plaintiff Randy Antonio Wiley filed this action pursuant to 42 U.S.C. § 1983 against Defendant Angela Garces and the South Carolina Department of Corrections (“SCDC”). On March 13, 2023, Garces and SCDC filed a motion for summary judgment. [ECF No. 62.] Defendant SCDC was subsequently summarily dismissed from this action. [ECF No. 70.] On November 30, 2023, United States Magistrate Judge Thomas E. Rogers, III, issued a Report and Recommendation (the “Report”) in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), recommending that Defendants’ motion for summary judgment be granted and that this case be dismissed in its entirety. [ECF No. 75.] Attached to the Report was a notice advising the parties of the procedures and requirements for filing objections to the Report and the serious consequences if they failed to do so. [ECF No. 75-1.] Neither Plaintiff nor Defendant Garces have filed objections, and the time for doing so has expired.

The magistrate judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a *de novo* determination of only those portions of the Report that have been specifically objected to,

and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After reviewing the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error and adopts the Report, ECF No. 75. As a result, Defendant Garces’ motion for summary judgment, ECF No. 62, is **GRANTED**. This case is dismissed in its entirety.

IT IS SO ORDERED.

January 5, 2024
Columbia, South Carolina


Sherri A. Lydon
United States District Judge